

EXHIBIT 1



Entered on Docket
May 13, 2008

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320
Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John Hinderaker AZ State Bar No. 018024
Email: jhinderaker@lrlaw.com
Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
SLADE DEVELOPMENT, INC.
LOAN**

Hearing Date: May 8, 2008

Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Slade Development, Inc. Loan (the "Objection") [DE 6118]. Adequate
4 notice of the Objection was given. The Court heard the Objection on May 8, 2008. No
5 responses were filed to the Objection and no opposition was raised at the hearing. Good
6 cause appearing,

7 IT IS ORDERED:

- 8
- 9 • Sustaining the Objection;
 - 10 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
11 are based upon an investment in the Slade Development, Inc. Loan. The Proofs
12 of Claim listed in Exhibit A are not affected by this order to the extent they are
13 based upon an investment in a loan(s) other than the Slade Development, Inc.
14 Loan; and
 - 15 • Reserving the right of any party in interest, including the USACM Trust, to
16 further object to the Proofs of Claim listed on Exhibit A attached.

17 ###

18 PREPARED AND SUBMITTED:

19 **LEWIS AND ROCA LLP**

20 By: /s/ RC (#0006593)

21 Susan M. Freeman

22 Rob Charles

23 John Hinderaker

24 *Attorneys for USACM Liquidating Trust*

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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)
Susan M. Freeman
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**SLADE DEVELOPMENT LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

Claim	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Slade Development Loan
10725-02069	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
10725-02201	John H. Duberg	4455 Vista Coronado Drive Chula Vista, CA 91910-3234	\$75,121.56	\$50,483.32
10725-02067	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
10725-02203	Falkenborg Family LLC	727 3rd Avenue Chula Vista, CA 91910-5803	\$206,262.89	\$101,723.86
10725-01549	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle Napa, CA 94558-1587	\$27,000.00	unspecified
10725-01035	Loughlin Family Trust	c/o Richard J. and Roberta L. Loughlin Trustees 50 Greenbriar Circle 94558-1587	\$1,116,400.00	\$300,000.00
10725-01967	Markwell Family Trust	Terry and Christiane Markwell Trustees 12765 Silver Wolf Road Reno, NV 89511	\$355,247.26	\$50,000.00
10725-00089	Augustine Tuffanelli Family Trust	Augustine Tuffanelli Trustee c/o Thomas R. Brooksbank 689 Sierra Rose Drive, Suite A2 Reno, NV 89511	\$250,000.00	\$50,000.00
10725-00795	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96
10725-01183	Karen Petersen Tyndall Trust Dated 3/9/94	c/o Karen Petersen Tyndall Trustee 1012 Greystoke Acres Street Las Vegas, NV 89145-8659	\$1,115,915.59	\$101,492.96